United Nations CERD/C/OMN/Q/2-5

International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination
Eighty-ninth session
25 April-13 May 2016
Item 6 of the provisional agenda
Consideration of reports, comments and information submitted by States parties under article 9 of the Convention

List of themes in relation to the combined second to fifth periodic reports of Oman (CERD/C/OMN/2-5)

Note by the Country Rapporteur

The Committee on the Elimination of Racial Discrimination decided at its seventy-sixth session (A/65/18, para. 85) that the Country Rapporteur would send to the State party concerned a short list of themes with a view to guiding and focusing the dialogue between the State party's delegation and the Committee during the consideration of the State party's report. This document contains a list of such themes. This is not an exhaustive list; other issues may also be raised in the course of the dialogue. No written replies are required.

1. Statistics on the ethnic make-up of the population and socioeconomic indicators

(a) Lack of data on the ethnic composition of the State party's population and on the enjoyment of economic, social and cultural rights by the various sections of the State party's population (CERD/C/OMN/CO/1, paras. 4, 11 and 17).

2. The Convention in domestic law, and the institutional and policy framework for its implementation (arts. 1, 2, 4, 6 and 7)

(a) Measures to review the definition of discrimination in the legislation of the State party so as to bring it into line with article 1 (1) of the Convention, and steps taken to bring article 130 bis of the Criminal Code, on prohibition of racial discrimination, fully into line with the provisions of articles 1 and 4 (a) of the Convention (CERD/C/OMN/CO/1, paras. 12 and 14);

(b) Legislative measures taken to implement all the provisions of article 4 of the Convention, including the requirement to prohibit organizations that promote or incite racial discrimination (CERD/C/OMN/CO/1, para. 15);

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(c) Information on the invocation and application of the provisions of the Convention by the State party's courts. Updated information on the number, nature, and outcomes of cases relating to racial or ethnic discrimination in the courts of first instance, including any redress provided to victims of such acts (CERD/C/OMN/CO/1, para. 19);

(d) Progress made in the establishment of an independent national human rights institution in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) (CERD/C/OMN/CO/1, para. 20).

3. Situation of ethnic and minority communities (arts. 2-7)

(a) Information on the participation of minorities in public life and their representation in parliament, including statistical data on members of minority groups employed in public bodies, institutions and administration at all levels (CERD/C/OMN/CO/1, para. 17);

(b) Detailed information on the situation of descendants of servant tribes and of former slaves. Information on any affirmative action measures to prevent the discrimination of these groups in the employment sector.

4. Discrimination against non-citizens, including migrants, refugees and asylum seekers (arts. 5, 6 and 7)

(a) Measures to abolish the sponsorship (*kafala)* system and to guarantee migrant workers all Convention rights, in particular the freedom of movement and the right to free choice of employment. The impact of measures taken to prevent abuse of migrant workers, including forced labour and forced prostitution, by employers and recruitment agencies (CERD/C/OMN/2-5, paras. 20, 75-83 and 174-175);

(b) Steps taken to extend to non-citizens freedoms and rights enumerated in the Basic Law of the State, such as the right to free choice of occupation, to equality before the law and to freedom of assembly (articles 12, 17 and 32 of the Basic Law of the State; CERD/C/OMN/CO/1, para. 16);

(c) The content of the new Omani nationality law (royal decree No. 38/14) and its impact on the prevention of statelessness, especially for children with an Omani mother and a non-Omani father. Legal framework and procedures in place for non-Omani female spouses to apply for Omani citizenship (CERD/C/OMN/CO/1, para. 18);

(d) Measures taken to develop a legal framework governing the status of asylum seekers and refugees. Information on the actual enjoyment of the Convention rights by asylum seekers and refugees.